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March 1, 2023

VIA ECF

Honorable Jesse M. Furman
United States District Court
Southern District of New York
40 Centre Street, Room 2202
New York, NY 10007

Re: *Denny Martin v. Berkshire Life Insurance Company of America*
Civ. Action No.: 1:20-cv-10428 (JMF)
Our File No.: 5460.0002

Dear Judge Furman:

This firm represents Plaintiff Denny Martin (“Dr. Martin”) in the above-referenced action. We write to respectfully request an extension to the Court’s March 17, 2023 deadline for submission of a joint pre-trial order.

In its Memorandum and Order, dated January 31, 2023, the Court directed the parties to confer immediately about the prospect of settlement. Additionally, the Court ordered that the parties submit a proposed joint pre-trial order by March 17, 2023. (Dkt. No. 71.)

We respectfully request that the Court extend that deadline to June 5, 2023. Dr. Martin is presently incarcerated in FMC Devens and is scheduled to be released on May 5, 2023. As a result of his incarceration, we have had difficulty effectively communicating with him as his communications have been curtailed.

We understand that Dr. Martin is interested in pursuing settlement discussions. His incarceration, however, has made it difficult to begin the process.

Similarly, we require Dr. Martin's assistance in drafting the joint pre-trial order as there are many issues about which only he has full knowledge.

The revised deadline would give us a month after Dr. Martin is released to negotiate a potential settlement. Additionally, the additional month would allow us to work with Dr. Martin on drafting the joint pre-trial order.

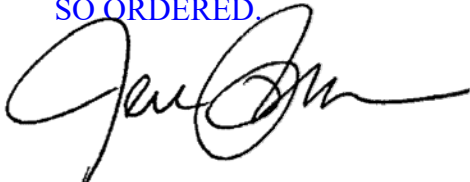
We, therefore, respectfully request an extension of the deadline to submit a joint pre-trial order until June 5, 2023.

Counsel for Defendant Berkshire Life Insurance Company of America has indicated that Berkshire consents to this proposed extension.

Should the Court have any questions, please do not hesitate to contact me at any time.

Application GRANTED. The Clerk of Court is directed to terminate ECF No. 72.

SO ORDERED.

A handwritten signature in black ink, appearing to be "Jen [unclear]", written over the text "SO ORDERED."

March 2, 2023

Respectfully,

LIPSIUS-BENHAIM LAW, LLP

A handwritten signature in black ink, appearing to be "Alex [unclear]", written above the name "Alexander J. Sperber".

Alexander J. Sperber